

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DUWAYNE CAREY,)	
)	Civil Action No. 05 - 1695
Plaintiff,)	
)	Judge Terrence F. McVerry /
v.)	Magistrate Judge Lisa Pupo
)	Lenihan
SUPERINTENDENT BARRY JOHNSON;)	
SUSAN MYERS, <i>CHCH</i> ; MATTHEW)	Doc. No. 56
MORROW, <i>EMPLOYMENT</i>)	
COORDINATOR; MARK HAMMER, <i>P.A.</i> ;)	
DR. JAMIL AHMED; and DR. DURRE)	
AHMED,)	
)	
Defendants.)	

ORDER

Pending before the Court is Plaintiff's Second Motion for Reconsideration(Doc. No. 59) of his prior request for Appointment of Counsel (Doc. No. 4). Plaintiff's Complaint alleges a deliberate indifference to his medical needs while incarcerated. Specifically, he states that he has been diagnosed with high blood pressure and a hernia and he is being denied appropriate treatment for these ailments. He further alleges that he is being forced to work in the kitchen despite medical restrictions.

In its Order dated January 27, 2006, the Court outlined it's reasons for denying Plaintiff's request for appointment of counsel. There is no doubt that it is difficult for any person who is not trained in the law to file a civil action pro se. However, there is a shortage of attorneys willing and qualified to handle the pro se prisoner civil rights matters, which are filed in abundance in this court. At this point, Defendant's have filed a Motion to Dismiss and it is not clear whether Plaintiff will be able to set forth a claim that can be adjudicated. Should the case survive dispositive motions and proceed to

trial, this Court will reconsider the appointment of counsel for trial purposes. The reasoning set forth in the Court's January 27, 2006 Order is also incorporated herein.

AND NOW, this 2nd day of October, 2006;

IT IS HEREBY ORDERED that Plaintiff's Motion for Reconsideration of Appointment of Counsel is **DENIED**.

IT IS FURTHER ORDERED that the parties are allowed ten (10) days from this date to appeal this order to a district judge pursuant to Rule 72.1.3(B) of the Local Rules for Magistrates. Failure to appeal within ten (10) days shall constitute waiver of the right to appeal.

/s/Lisa Pupo Lenihan
Lisa Pupo Lenihan
United States Magistrate Judge

cc: Duwayne Carey
FK-1088
S.C.I. Pine Grove
191 Fyock Road
Indiana, PA 15701